

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NEBCO, INC., a Nebraska corporation;  
and CONSTRUCTORS, INC., a  
Nebraska corporation;

vs.

TED C. BUTLER, an individual; EMILY  
DOESCHOT, an individual; and  
ZACHARY VAISKUNAS, an individual;

Plaintiffs,

**4:22CV3217**

**FINAL PROGRESSION ORDER  
(AMENDED)**

Defendants.

IT IS ORDERED that the Plaintiff's unopposed motion to extend the final progression order, Filing No. 172, is granted. The Fourth Amended Final Progression Order, Filing No. 166, is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings set for March 4, 2025 is continued and will be held with the undersigned magistrate judge on **April 1, 2025 at 10:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is January 31, 2025. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by February 28, 2025.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned

magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): December 31, 2024.

For the defendant(s): January 31, 2025.

Plaintiff(s)' rebuttal: February 28, 2025.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is March 28, 2025.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is April 25, 2025.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is April 25, 2025.
- 7) Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. **Such requests will not be considered absent a substantial showing of good cause.**
- 9) All other deadlines and provisions in the Court's prior final progression orders not amended herein remain unchanged.

Dated this 8th day of November, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge